

MESSAGE NO:	0327306	MESSAGE DATE:	11/23/2010
MESSAGE STATUS:	Active	CATEGORY:	Countervailing
TYPE:	OTH-Other	PUBLIC	<input checked="" type="checkbox"/>
SUB-TYPE:		NON-PUBLIC	<input type="checkbox"/>
FR CITE:		FR CITE DATE:	
REFERENCE MESSAGE # (s):	0204301		
CASE #(s):	C-570-917		
EFFECTIVE DATE:	12/03/2007	COURT CASE #:	
PERIOD OF REVIEW:		TO	
PERIOD COVERED:		TO	

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: CLARIFICATION OF THE COUNTERVAILING DUTY ORDER ON LAMINATED WOVEN SACKS FROM THE PEOPLE'S REPUBLIC OF CHINA C-570-917

1. ON JULY 23, 2010, THE DEPARTMENT OF COMMERCE ("DEPARTMENT") ISSUED CLARIFICATION INSTRUCTIONS STATING THAT THE DEPARTMENT CONSIDERS LAMINATED WOVEN SACKS ("LWS") THAT ARE PRODUCED IN THE PEOPLE'S REPUBLIC OF CHINA ("PRC") FROM WOVEN FABRIC, CONSISTING OF WOVEN POLYPROPYLENE STRIP AND/OR WOVEN POLYETHYLENE STRIP, TO BE WITHIN THE SCOPE OF THE ANTIDUMPING AND COUNTERVAILING DUTY ORDERS COVERING LWS FROM THE PRC REGARDLESS OF THE ORIGIN OF THE FABRIC. SEE MESSAGE NUMBER 0204301 DATED JULY 23, 2010. IN ORDER TO ENSURE THAT REQUISITE COUNTERVAILING DUTY ENTRIES WITH A DECLARED COUNTRY OF ORIGIN OTHER THAN THE PRC ARE AND CAN BE PROPERLY CLAIMED AS SUBJECT MERCHANDISE, WE HAVE ADDED ADDITIONAL CASE NUMBERS TO THE CASE REFERENCE FILE WITHIN THE ACE/ACS FOR CERTAIN COUNTRIES. THESE ADDITIONAL CASE NUMBERS REFLECT THIRD COUNTRIES LISTED AS COUNTRY OF ORIGIN ON SHIPMENTS OF LWS FROM THE PRC.

2. PRODUCT DESCRIPTION:

THE MERCHANDISE COVERED BY THIS ORDER IS LWS. LWS ARE BAGS OR SACKS CONSISTING OF ONE OR MORE PLIES OF FABRIC CONSISTING OF WOVEN POLYPROPYLENE STRIP AND/OR WOVEN POLYETHYLENE STRIP, REGARDLESS OF THE WIDTH OF THE STRIP; WITH OR WITHOUT AN EXTRUSION COATING OF POLYPROPYLENE AND/OR POLYETHYLENE ON ONE OR BOTH SIDES OF THE FABRIC; LAMINATED BY ANY METHOD EITHER TO AN EXTERIOR PLY OF PLASTIC FILM SUCH AS BIAXIALLY-ORIENTED POLYPROPYLENE ("BPOP") OR TO AN EXTERIOR PLY OF PAPER THAT IS SUITABLE FOR HIGH QUALITY PRINT GRAPHICS (PAPER SUITABLE FOR HIGH QUALITY PRINT GRAPHICS, AS USED HEREIN, MEANS PAPER HAVING AN ISO BRIGHTNESS OF 82 OR HIGHER AND A SHEFFIELD SMOOTHNESS OF 250 OR LESS.

COATED FREE SHEET IS AN EXAMPLE OF A PAPER SUITABLE FOR HIGH QUALITY PRINT GRAPHICS); PRINTED WITH THREE COLORS OR MORE IN REGISTER; WITH OR WITHOUT

LINING; WHETHER OR NOT CLOSED ON ONE END; WHETHER OR NOT IN ROLL FORM (INCLUDING SHEETS, LAY-FLAT TUBING, AND SLEEVES); WITH OR WITHOUT HANDLES; WITH OR WITHOUT SPECIAL CLOSING FEATURES; NOT EXCEEDING ONE KILOGRAM IN WEIGHT. LWS ARE TYPICALLY USED FOR RETAIL PACKAGING OF CONSUMER GOODS SUCH AS PET FOODS AND BIRD SEED.

EFFECTIVE JULY 1, 2007, LWS ARE CLASSIFIABLE UNDER HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS) SUBHEADINGS 6305.33.0050 AND 6305.33.0080. LWS WERE PREVIOUSLY CLASSIFIABLE UNDER HTSUS SUBHEADING 6305.33.0020.

IF ENTERED WITH PLASTIC COATING ON BOTH SIDES OF THE FABRIC CONSISTING OF WOVEN POLYPROPYLENE STRIP AND/OR WOVEN POLYETHYLENE STRIP, LWS MAY BE CLASSIFIABLE UNDER HTSUS SUBHEADINGS 3923.21.0080, 3923.21.0095, AND 3923.29.000.

IF ENTERED NOT CLOSED ON ONE END OR IN ROLL FORM (INCLUDING SHEETS, LAY-FLAT TUBING, AND SLEEVES), LWS MAY BE CLASSIFIABLE UNDER OTHER HTSUS SUBHEADINGS INCLUDING 3917.39.0050, 3921.90.1100, 3921.90.1500, AND 5903.90.2500.

IF THE POLYPROPYLENE STRIPS AND/OR POLYETHYLENE STRIPS MAKING UP THE FABRIC MEASURE MORE THAN 5 MILLIMETERS IN WIDTH, LWS MAY BE CLASSIFIABLE UNDER OTHER HTSUS SUBHEADINGS INCLUDING 4601.99.0500, 4601.99.9000, AND 4602.90.0000. ALTHOUGH HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, THE WRITTEN DESCRIPTION OF THE SCOPE OF THIS ORDER IS DISPOSITIVE.

3. IN ADDITION TO THE DIRECT SHIPMENT OF LWS FROM THE PRC, THE SCOPE OF THESE ORDERS INCLUDES LWS PRODUCED IN THE PRC FROM FABRIC ORIGINATING IN A THIRD COUNTRY. FOR LWS PRODUCED IN THE PRC FROM FABRIC ORIGINATING IN A THIRD COUNTRY, IMPORTERS MAY DECLARE THE COUNTRY OF ORIGIN TO BE OTHER THAN THE PRC FOR CUSTOMS PURPOSES. THEREFORE, NEW CASE NUMBERS HAVE BEEN CREATED TO ALLOW FOR LWS PRODUCED IN THE PRC FROM FABRIC ORIGINATING IN A THIRD COUNTRY TO BE PROPERLY CLAIMED AS SUBJECT MERCHANDISE UPON ENTRY.

FOR A LIST OF POSSIBLE THIRD COUNTRIES, REFER TO PARAGRAPH 4, WHICH IS NOT EXHAUSTIVE. IF IMPORTERS ARE IMPORTING LWS FROM THE PRC WITH FABRIC FROM A

THIRD COUNTRY NOT LISTED IN PARAGARPH 4, CONTACT CUSTOMS HEADQUARTERS IMMEDIATELY. CUSTOMS HEADQUARTERS SHOULD NOTIFY THE DEPARTMENT OF COMMERCE IMMEDIATELY ABOUT SUCH IMPORTS.

4. FOR ENTRIES OF LWS FROM THE PRC THAT ARE PRODUCED FROM FABRIC FROM A THIRD COUNTRY, I.E. SUBJECT MERCHANDISE PRODUCED FROM FABRIC THAT HAS A COUNTRY OF ORIGIN OTHER THAN THE PRC, CASE NUMBERS HAVE BEEN ASSIGED FOR COUNTERVAILING DUTY PURPOSES, BASED ON THE COUNTRY OF ORIGIN DESIGNATION FOR CUSTOMS PURPOSES. CASE NUMBERS HAVE BEEN CREATED FOR THE FOLLOWING COUNTRIES: PAKISTAN, INDIA, TAIWAN, KOREA, VIETNAM, HONG KONG, AND KYRGYZSTAN. THE FIRST THREE DIGITS REPRESENT THE COUNTRY OF ORIGIN FOR CUSTOMS PURPOSES OF LWS PRODUCED IN THE PRC.

THE NEW CASE NUMBERS ARE GIVEN BELOW:

PAKISTAN: C-535-902
INDIA: C-533-851
TAIWAN: C-583-847
KOREA: C-580-864
VIETNAM: C-552-808
HONG KONG: C-582-805
KYRGYZSTAN: C-463-505

IF CBP BECOMES AWARE OF ENTRIES OF MERCHANDISE WITHIN THE SCOPE OF THIS ORDER THAT WAS PRODUCED FROM A THIRD COUNTRY THAT IS NOT IDENTIFIED ABOVE AND/OR IS NOT IN THE ACE CASE REFERENCE FILE, CBP SHOULD NOTIFY THE DEPARTMENT OF COMMERCE IMMEDIATELY ABOUT SUCH ENTRIES. SEE PARAGRAPH 6.

THIS COUNTRY LIST MAY BE AMENDED DEPENDING ON CHANGES IN PATTERNS OF TRADE.

LISTED BELOW ARE THE COMPANY-SPECIFIC CASE NUMBERS THAT WERE CREATED.

EXPORTED AND MANUFACTURED BY
ZIBO AIFUDI PLASTIC PACKAGING CO., LTD.

C-535-902-002

C-533-851-002

C-583-847-002

C-580-864-002

C-552-808-002

C-582-805-002

C-463-505-002

MANUFACTURED BY

SHANGDONG SHOUGUANG JIANYUAN CHUN COMPANY LTD.

C-535-902-001

C-533-851-001

C-583-847-001

C-580-864-001

C-552-808-001

C-582-805-001

C-463-505-001

MANUFACTURED BY

HAN SHING CHEMICAL CO. LTD.

C-535-902-003

C-533-851-003

C-583-847-003

C-580-864-003

C-552-808-003

C-582-805-003

C-463-505-003

MANUFACTURED BY

NINGBO YON FENG PACKAGING CO., LTD.

C-535-902-004

C-533-851-004

C-583-847-004

C-580-864-004

C-552-808-004

C-582-805-004

C-463-505-004

MANUFACTURED BY

SHANGDONG QILU PLASTIC FABRIC GROUP, LTD.

C-535-902-005

C-533-851-005

C-583-847-005

C-580-864-005

C-552-808-005

C-582-805-005

C-463-505-005

COUNTRY-WIDE

C-535-902-000

C-533-851-000

C-583-847-000

C-580-864-000

C-552-808-000

C-582-805-000

C-463-505-000

5. FOR ENTRIES OF LWS FROM THE PRC THAT WERE PRODUCED FROM FABRIC FROM A THIRD COUNTRY, CBP SHALL SUSPEND LIQUIDATION OF SUCH MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION, ON OR AFTER (DATE OF PRELIMINARY DETERMINATION: 12/03/2007). EFFECTIVE 12/03/2007, CBP SHALL REQUIRE, FOR SUCH ENTRIES, A CASH DEPOSIT OR THE POSTING OF A BOND EQUAL TO THE CASH DEPOSIT RATES IN EFFECT ON THE DATE OF ENTRY.

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, THEY SHOULD BE REFERRED TO THE IMPORT SPECIALIST DIVISION, OTHER AGENCY BRANCH, CUSTOMS HEADQUARTERS VIA E-MAIL ATTRIBUTE "HQ OAB". OTHER INTERESTED PARTIES SHOULD CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD OPERATION, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O9:JB-W)

7. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

MICHAEL B. WALSH

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party